

Village Council
August 18, 2008
6:45 PM

Minutes
Public Hearing

Call to Order: Mr. Deeds called the meeting to order at 6:47pm

Roll Call: John Bender, Rick Deeds, Bruce Jarvis, Bobbie Mershon, Victor Paini,
and Marilyn Rush-Ekelberry

Mrs. Mershon moved to excuse Mrs. Turner. Dr. Bender seconded the motion.

VOTE **AYES:** Dr. Bender, Mr. Deeds, Mr. Jarvis, Mrs. Mershon,
Mr. Paini, Mrs. Rush-Ekelberry

NAYS:

Motion carried.

Purpose of the Public Hearing: To hear public comments on the proposed new Subdivision Regulations, proposed amendment to the Zoning Code to adopt a Stream Corridor Protection Policy and Stream Corridor Protection Zone and the proposed Storm water Design Manual.

Presentation to Council:

Staff Report:

Mr. Allan Neimeyer gave a power point presentation (see attached presentation). As a result of the Clean Water Act of 1972, National Pollution Discharge Elimination System (NPDES) was created. In 2003, Canal Winchester filed a Storm water Management Plan with Ohio EPA. This plan requires the Village to establish a stream corridor protection

zone, establish illicit discharge policy for storm systems and to update storm water management regulations.

The Protection Zone was shown on a map (see attached). The SCPZ provides erosion control, filters and traps sediment and benefits and protects aquatic ecosystems in the stream.

SCPZ permitted uses...

- Maintained natural vegetation, limited to passive use (hiking, fishing, picnicking)
- Damaged trees may be removed
- Public utilities and public roadways
- List of plant material allowed will be maintained by the Urban Forester.

The Storm water Design manual will provide developers with the criteria based on OEPA permit regulations.

Subdivision regulations were listed on overhead. See attached information.

Village Resident Questions/Comments:
(Five Minute Limit per Person)

Jeffery Bond, of 146 Washington Street Apt C, believes this is a good thing. Water mitigation is a very serious issue and this is a great step to begin to deal with it. We don't want to end up like Pickerington, with serious erosion problems.

James Balzer, of 6342 Streams End Dr, believes this is a good idea to start to update the regulations, but he is concerned about the 25'. It is a recommendation from the EPA and he asks that it be taken with a grain of salt. 25' is not that large of an area. He believes 35' or 40' would be more appropriate to enhance and allow that corridor to be used in the future.

Council Comments/Questions:

Dr. Bender asked how the 25' is measured. Mr. Neimeyer stated that it is 25' on either side plus the channel width and it is the minimum. Keep in mind that most of these will also have a flood way, which carry their own restrictions. Each area will be taken into consideration on its own.

Mr. Jarvis asked if there was any reason why it wouldn't be advisable to kick that number up from 25' to 35'. Mr. Peoples noted again that it is the minimum for areas without flood ways. Each area is looked at individually.

Mr. Jarvis asked if trees are protected in the flood way. Mr. Peoples stated that they are not protected outside of the protection zone.

Mr. Jarvis stated he isn't hearing why we couldn't make the zone 35' instead. Discussion ensued.

Mr. Hollins stated that the issue could be tabled and EMH&T could run a new map with a 30-35' buffer and see the impact of that. Mr. Jarvis stated that he would like for that to happen if it doesn't incur a great cost to the Village.

Mrs. Mershon asked if there was the chance of litigation if we go further than the 25'. Mr. Hollins stated this is just coming out for this area and there is always a chance for litigation. Each case is very site specific. Mrs. Mershon would rather that we sat back and waited for others to take the chance of litigation and follow suit.

Mr. Jarvis disagreed and believes that we should take what we want now because we can always give back later but we can't take more. Further discussion ensued.

Mr. Deeds asked if we could still have the walking path near the covered bridge if it fell into the protection zone. Mr. Peoples stated that it would be a permitted use as a passive activity. You could even pave a path, but if the path should need repair it couldn't be re-paved.

Mr. Deeds asked if there are any downsides to this. Mr. Hollins stated that something has to be done as part of NPDES phase II. This is one possible solution.

Mr. Deeds asked if Mr. Miller preferred to seed with native plants or to let nature take its course. Mr. Miller responded that he would let nature take its course unless some plants begin to take over and then they would be dealt with at that time.

Adjournment

Dr. Bender moved to adjourn the meeting and Mr. Paini seconded the motion.

VOTE **AYES:** Dr. Bender, Mr. Deeds, Mr. Jarvis, Mrs. Mershon,
Mr. Paini, Mrs. Rush-Ekelberry

NAYS:

Motion carried.

Time out: 7:21pm